

Senate File 2038 - Introduced

SENATE FILE 2038

BY PETERSEN

A BILL FOR

1 An Act extending the limitations of certain criminal actions
2 committed on or with minors, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 802.2, subsection 1, Code 2020, is
2 amended to read as follows:

3 1. An information or indictment for sexual abuse in the
4 first, second, or third degree committed on or with a person
5 who is under the age of eighteen years ~~shall~~ may be found
6 ~~within fifteen years after the person upon whom the offense~~
7 ~~is committed attains eighteen years of age, or if the person~~
8 ~~against whom the information or indictment is sought is~~
9 ~~identified through the use of a DNA profile, an information or~~
10 ~~indictment shall be found within three years from the date the~~
11 ~~person is identified by the person's DNA profile, whichever is~~
12 later at any time after the commission of the offense.

13 Sec. 2. Section 802.2A, Code 2020, is amended to read as
14 follows:

15 **802.2A Incest — sexual exploitation by a counselor,**
16 **therapist, or school employee.**

17 1. An information or indictment for incest under section
18 726.2 committed on or with a person who is under the age of
19 eighteen ~~shall~~ may be found ~~within fifteen years after the~~
20 ~~person upon whom the offense is committed attains eighteen~~
21 ~~years of age. An information or indictment for any other~~
22 ~~incest shall be found within ten years after its~~ at any time
23 after the commission of the offense.

24 2. An indictment or information for sexual exploitation by
25 a counselor, therapist, or school employee under [section 709.15](#)
26 committed on or with a person who is under the age of eighteen
27 ~~shall~~ may be found ~~within fifteen years after the person upon~~
28 ~~whom the offense is committed attains eighteen years of age~~ at
29 any time after the commission of the offense. An information
30 or indictment for any other sexual exploitation shall be found
31 within ten years of the date the victim was last treated by the
32 counselor or therapist, or within ten years of the date the
33 victim was enrolled in or attended the school.

34 Sec. 3. Section 802.2B, unnumbered paragraph 1, Code 2020,
35 is amended to read as follows:

1 An information or indictment for the following offenses
2 committed on or with a person who is under the age of eighteen
3 years ~~shall~~ may be found ~~within ten years after the person upon~~
4 ~~whom the offense is committed attains eighteen years of age,~~
5 ~~or if the person against whom the information or indictment~~
6 ~~is sought is identified through the use of a DNA profile, an~~
7 ~~information or indictment shall be found within three years~~
8 ~~from the date the person is identified by the person's DNA~~
9 ~~profile, whichever is later~~ at any time after the commission
10 of the offense:

11 Sec. 4. Section 802.2C, Code 2020, is amended to read as
12 follows:

13 **802.2C Kidnapping.**

14 An information or indictment for kidnapping in the first,
15 second, or third degree committed on or with a person who is
16 under the age of eighteen years ~~shall~~ may be found ~~within ten~~
17 ~~years after the person upon whom the offense is committed~~
18 ~~attains eighteen years of age, or if the person against whom~~
19 ~~the information or indictment is sought is identified through~~
20 ~~the use of a DNA profile, an information or indictment shall be~~
21 ~~found within three years from the date the person is identified~~
22 ~~by the person's DNA profile, whichever is later~~ commenced at
23 any time after the commission of the offense.

24 Sec. 5. Section 802.2D, Code 2020, is amended to read as
25 follows:

26 **802.2D Human trafficking.**

27 An information or indictment for human trafficking in
28 violation of [section 710A.2](#), committed on or with a person who
29 is under the age of eighteen years ~~shall~~ may be found ~~within~~
30 ~~ten years after the person upon whom the offense is committed~~
31 ~~attains eighteen years of age, or if the person against whom~~
32 ~~the information or indictment is sought is identified through~~
33 ~~the use of a DNA profile, an information or indictment shall be~~
34 ~~found within three years from the date the person is identified~~
35 ~~by the person's DNA profile, whichever is later~~ at any time

1 after the commission of the offense.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill extends the limitations of certain criminal
6 actions (statute of limitations) committed on or with minors.
7 The amendment to Code section 802.2 provides that an
8 information or indictment for sexual abuse in the first,
9 second, or third degree committed on or with a person who
10 is under the age of 18 years may be found at any time after
11 commission of the offense. Under current law, an information
12 or indictment for a sexual abuse offense committed on or with
13 a person who is under 18 years of age shall be found within
14 15 years after the person upon whom the offense is committed
15 attains 18 years of age, or if the person against whom the
16 information or indictment is sought is identified through the
17 use of a DNA profile, an information or indictment shall be
18 found within three years from the date the person is identified
19 by the person's DNA profile, whichever is later.

20 The amendment to Code section 802.2A provides that an
21 information or indictment for incest under Code section 726.2
22 committed on or with a person who is under the age of 18 may
23 be found at any time after commission of the offense. Under
24 current law, an information or indictment for incest shall be
25 found within 15 years after the person upon whom the offense
26 is committed attains 18 years of age. For other incest
27 offenses committed upon a person 18 years of age or older,
28 the information or indictment shall be found within 15 years
29 after the commission of the offense. If the person against
30 whom the information or indictment is sought is identified
31 only through the use of a DNA profile, the limitation shall be
32 tolled. However, an information or indictment shall be found
33 within three years from the date the person is identified by
34 the person's DNA profile.

35 The amendment to Code section 802.2A also provides that

1 an information or indictment for sexual exploitation by a
2 counselor, therapist, or school employee under Code section
3 709.15 committed on or with a person who is under the age of
4 18 may be found at any time after commission of the offense.
5 Under current law, an information or indictment for sexual
6 exploitation by a counselor, therapist, or school employee
7 shall be found within 15 years after the person upon whom the
8 offense is committed attains 18 years of age. For other sexual
9 exploitation by a counselor, therapist, or school employee
10 offenses committed upon a person 18 years of age or older, the
11 information or indictment shall be found within 10 years of the
12 date the person was last treated by the counselor or therapist,
13 or within 10 years of the date the person was enrolled in or
14 attended the school.

15 The amendment to Code section 802.2B provides that an
16 information or indictment may be commenced at any time after
17 the commission of any of the following offenses if the offense
18 is committed on or with a person under the age of 18: sexual
19 abuse in the first degree in violation of Code section 709.2;
20 sexual abuse in the second degree in violation of Code section
21 709.3; sexual abuse in the third degree in violation of Code
22 section 709.4; lascivious acts with a child in violation of
23 Code section 709.8; assault with intent to commit sexual abuse
24 in violation of Code section 709.11; indecent contact with a
25 child in violation of Code section 709.12; lascivious conduct
26 with a minor in violation of Code section 709.14; sexual
27 exploitation by a counselor, therapist, or school employee in
28 violation of Code section 709.15; sexual misconduct with a
29 juvenile in violation of Code section 709.16, subsection 2;
30 kidnapping in the first degree in violation of Code section
31 710.2; kidnapping in the second degree in violation of Code
32 section 710.3; kidnapping in the third degree in violation of
33 Code section 710.4; human trafficking in violation of Code
34 section 710A.2; incest in violation of Code section 726.2; and
35 sexual exploitation of a minor in violation of Code section

1 728.12. Under current law for the preceding offenses, an
2 information or indictment committed on or with a person who
3 is under 18 years of age shall be found within 10 years after
4 the person upon whom the offense is committed attains 18 years
5 of age, or if the person against whom the information or
6 indictment is sought is identified through the use of a DNA
7 profile, an information or indictment shall be found within
8 three years from the date the person is identified by the
9 person's DNA profile, whichever is later.

10 The amendment to Code section 802.2C provides that an
11 information or indictment for kidnapping in the first, second,
12 or third degree committed on or with a person who is under the
13 age of 18 years may be found at any time after commission of
14 the offense. Under current law for kidnapping offenses, the
15 information or indictment for an offense committed on or with
16 a person who is under the age of 18 years of age, shall be
17 found within 10 years after the person upon whom the offense
18 is committed attains 18 years of age, or if the person against
19 whom the information or indictment is sought is identified
20 through the use of a DNA profile, an information or indictment
21 shall be found within three years from the date the person is
22 identified by the person's DNA profile, whichever is later.

23 The amendment to Code section 802.2D provides that an
24 information or indictment for human trafficking in violation of
25 Code section 710A.2, committed on or with a person who is under
26 the age of 18 years may be found at any time after commission of
27 the offense. Under current law for human trafficking offenses,
28 the information or indictment for an offense committed on or
29 with a person who is under the age of 18 years of age, shall be
30 found within 10 years after the person upon whom the offense
31 is committed attains 18 years of age, or if the person against
32 whom the information or indictment is sought is identified
33 through the use of a DNA profile, an information or indictment
34 shall be found within three years from the date the person is
35 identified by the person's DNA profile, whichever is later.